

## **REMARKS**

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, and in light of the remarks that follow are respectfully requested.

Claims 1-53 are pending in this application. Claims 1-53 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent 5,574,828 to Hayward et al. (“the Hayward Patent”). Claim 15 has furthermore been objected to as being unclear.

Claims 1, 16, 29, 40, and 50 have been amended to clarify that the “expected answer” is a “single expected answer” which has been established for the at least one basic question (emphasis added). Claim 15 has been amended to incorporate the proper terminology from independent claim 1. Applicants submit that the present amendments contain no new subject matter and are supported by the original specification. Applicants respectfully request reconsideration of the Application in light of the foregoing amendments and the following remarks.

### **I. Examiner Interview**

On December 7, 2005, the undersigned had a telephone interview with Examiner C. Michelle Colon (Examiner) regarding the Office Action issued on October 31, 2005. The Applicants appreciate the courtesy and assistance extended by the Examiner during the interview.

The specific purpose of the interview was to discuss the Examiner’s rejection of claims 1-53 as being allegedly anticipated by U.S. Patent No. 5,574,828 to Hayward, et al. (the Hayward Patent). Prior to the interview, and at Examiner’s request, the undersigned had forwarded a general agenda to the Examiner. A copy of this agenda is enclosed as Attachment 1 to this Response.

In the interview, the undersigned pointed out to the Examiner that the application expressly required “associating an expected answer with at least one question of the basic question set” and that the Hayward Patent has no corresponding requirement or disclosure. The undersigned noted that the Hayward Patent includes “drop-down” fields, that may encompass several choices, but none of these options are in particular considered “expected.”

The Examiner expressed a belief that the inclusion of multiple choice options in the Hayward Patent constituted expected answers. The specification of the present application

notes “expected” as “probable or likely,” and the Examiner pointed out that probable answers were included in the multiple choice options. The Examiner noted that the inclusion of the term “single” into claim 1, to read “associating a single expected answer with at least one question of the basic question set” may avoid the Hayward Patent. However, Examiner stated that a further review of the Hayward Patent was necessary.

## **II. Claim Objection**

Claim 15 was objected to as being unclear. Claim 15 has been amended so that the terminology corresponds to parent claim 1. The Applicants therefore request that the objection to claim 15 be withdrawn.

## **III. Rejection under 35 U.S.C. § 102(b)**

Claims 1-53 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,574,828 to Hayward, et al. (“the Hayward Patent”). Applicants respectfully traverse this rejection.

The Office asserts that the Hayward Patent discloses all elements of independent claim 1. Applicants respectfully disagree. Claim 1, as amended, requires, *inter alia*, “determining from the overall question set a basic question set, the basic question set including at least one basic question” and “associating a single expected answer with at least one question of the basic question set.” The specification defines what a “basic question set” and a “basic question” are, stating a “basic question set...comprise[s] those questions for which information will be required for all customers.” See Specification, Paragraph [0040]. “The basic question set includes only those questions to which all customers will be required to respond, regardless of their individual characteristics.” See Specification, Paragraph [0029]. A “basic question,” therefore, is a question to which *every* customer must answer, and it is also a question to which a single expected answer is previously established.

Applicants respectfully submit that the Hayward Patent does not disclose these requirements. The Office directs attention to the characteristic of the Hayward Patent in which “[u]sers can filter question sets and individual questions by keyword or categories, thus determining basic question sets or basic questions.” See Office Action, Pg. 3. The ability for users to determine what questions are asked distinguishes the Hayward Patent from the present application. In the present application, a basic question is one in which *all customers must be*

*asked*--there is no ability on the part of the user to filter these questions, and the existence of these questions is not optional.

Moreover, the Hayward Patent does not disclose the element of “associating a single expected answer with at least one question of the basic question set.” The Hayward Patent discloses a system in which “[u]sers can write questions that employ a number of different response formats, such as ‘yes/no/not sure’, multiple choice, and likert scales” and where the system “helps users by presenting drop-down lists of all variables, scores, and questions in an application and alerting users to the values that are allowed to be tested.” See Hayward Patent, Col. 12, lines 3-5; Col 13, lines 7-10.

The Hayward Patent limits the universe of potential answers. It does not associate “a single expected answer” with any question. Although an inherent statistical probability exists, causing a degree of “expectation” in each answer option, no single answer alone is “expected.”

The element of “associating a single expected answer with at least one question of the basic question set” can be present in a multiple choice scenario. A user may have his or her potential answers limited to “A,” “B,” “C,” or “D,” but “B” may be previously established as the “single expected answer.” This type of system is not disclosed by the Hayward Patent.

The Hayward Patent does not disclose, suggest, or teach the required elements of a “basic question” or of “associating a single answer with at least one question of the basic question set.” Independent claims 1, 16, 29, 40, and 50, as amended, require the existence of a “single expected answer.” Claims 2-15, 17-28, 30-39, 41-49, and 51-53 are dependent upon these claims respectively, and consequently include the “single expected answer” requirement. Accordingly, Applicants submit that claims 2-15, 17-28, 30-39, 41-49, and 51-53 must also be patentable over the Hayward Patent and therefore respectfully request that the rejection of claims 1-53 under 35 U.S.C. 102(b) be withdrawn.

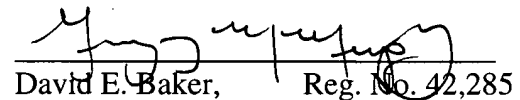
#### **IV. Conclusion**

For at least the reasons set forth above, the Applicants respectfully submit that claims 1-53 are in condition for allowance. The Applicants therefore request that the present application be allowed and passed to issue.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative.

Respectfully submitted,

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